



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street

San Francisco, CA 94105-3901

August 13, 2007

Ms. Tiffany Kayama
(CESPL-PD-R)
U.S. Army Corps of Engineers
Los Angeles District
P.O. Box 532711
Los Angeles, California 90053-2325

Subject: Final Environmental Impact Statement (FEIS) for the San Luis Rey Flood Control Project (CEQ # 70292)

Dear Ms. Kayama,

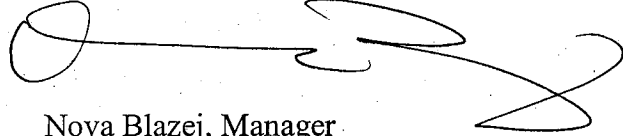
We appreciate the opportunity to review the FEIS for the San Luis Rey Flood Control Project (San Luis Rey Flood Control Project). On December 18, 2006, EPA provided comments on the Draft EIS (DEIS). We rated this document as EC-2, Environmental Concerns-Insufficient Information. While we were supportive of the U.S. Army Corps of Engineers efforts to balance flood protection and endangered species needs, we expressed concern regarding the impacts to waters of the U.S., wetlands, riparian habitat, and the associated alternatives analysis.

We appreciate the additional information that has been included on management measures, impacts of sedimentation and associated mitigation, and the revisions for clarity. However, we remain concerned that the alternatives analysis does not establish that the preferred alternative is the Least Environmentally Damaging Practicable Alternative (LEDPA), as required under Federal Guidelines (Guidelines) (40 CFR 230) promulgated under Section 404(b)(1) of the Clean Water Act (CWA) and there may be alternatives that minimize impacts to waters of the U.S.

In particular, Chapter 4 notes that Alternatives 3-9 were not carried forward, as the level of flow conveyance would require Congressional reauthorization, and this could result in project delay or further environmental impacts. However, it appears that some of these Alternatives could be less damaging to suitable habitat for the least Bell's vireo and southwestern willow flycatcher. As we stated in our DEIS comments, there is no information showing that this reauthorization would result in project delay and the need for Congressional reauthorization is not a valid reason for eliminating alternatives (*Forty Most Asked Questions Concerning CEQ's NEPA Regulations*, #2b).

We continue to recommend that the Army Corps of Engineers commit to an alternative that would reduce environmental impacts and reflect the ongoing work with the U.S. Fish and Wildlife Service, regardless of the need for Congressional reauthorization. We appreciate the opportunity to review this FEIS. If you have any questions, please contact me at 415-972-3846 or Summer Allen, the lead reviewer for this project. Summer can be reached at 415-972-3847 or allen.summer@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Nova Blazej", with a long horizontal stroke extending to the right.

Nova Blazej, Manager
Environmental Review Office

cc: U.S. Fish and Wildlife Service